

Court of Appeals, State of Michigan

ORDER

People of MI v Roland Allen Laura III

Docket No. 290799

LC No. 08-018389-FH

Christopher M. Murray
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

The motion for immediate consideration is GRANTED.

The Court orders, pursuant to MCR 7.205(D)(2), that the circuit court's February 6, 2009 order is REVERSED to the extent it granted defendant's motion to quash the information as to the felonious assault charge. A circuit court's decision to grant or deny a motion to quash charges is reviewed de novo to determine if the district court abused its discretion in binding over a defendant for trial. *People v Libbett*, 251 Mich App 353, 357; 650 NW2d 407 (2002). The elements of felonious assault are: (1) an assault, (2) with a dangerous weapon, and (3) with the intent to injure or place the victim in reasonable apprehension of an immediate battery. *People v Chambers*, 277 Mich App 1, 8; 742 NW2d 610 (2007). Circumstantial evidence and reasonable inferences from the evidence can be sufficient to establish probable cause to support a bindover. *People v Greene*, 255 Mich App 426, 444; 661 NW2d 616 (2003). In this case, the victim's testimony, and the reasonable inferences therefrom, establish probable cause to believe that she was the victim of an assault, and that, in assaulting her, defendant used an object as a dangerous weapon with the intent to injure. Therefore, the district court properly bound defendant over to circuit court on the felonious assault charge, and the circuit court erred in ruling otherwise.

The case is REMANDED to the circuit court for further proceedings consistent with this order. We do not retain jurisdiction.

This order shall have immediate effect. MCR 7.215(F)(2)



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 27 2009

Date

Sandra Schultz Mengel
Chief Clerk